

PARTIES

5. Plaintiff is a natural person residing in Gastonia, North Carolina
28052.

6. Plaintiff is a "person" as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a corporation that has its mailing address located at

1221 Avenue of the Americas, 36th Floor, New York, New York 10020.

8. Defendant is a "person" as that term is defined by 47 U.S.C. §153(39).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Plaintiff has a cellular telephone number.

11. Plaintiff has only used this number as a cellular telephone.

12. Defendant called Plaintiff on her cellular telephone on a repetitive and continuous basis in attempt to reach Plaintiff's daughter.

13. When contacting Plaintiff on her cellular telephone, Defendant used an automatic telephone dialing system and automatic and/or pre-recorded messages.

14. Plaintiff knew Defendant was calling her using an automatic

1 telephone dialing system and automatic and/or pre-recorded messages as she
2 received calls from Defendant that began with a delay or pause prior to a live
3 representative of Defendant coming on the line.

4 15. Defendant's telephone calls were not made for "emergency purposes."

5 16. Desiring to stop these repeated, unwanted calls, Plaintiff spoke to
6 Defendant soon after the calls began and let them know that they had the wrong
7 number and requested that they stop calling her.

8 17. Defendant heard and acknowledged this request to stop calling.

9 18. Once Defendant was informed that its calls were unwanted and to stop
10 calling, all further calls could only have been made solely for the purposes of
11 harassment.

12 19. In spite of her repeated instruction to stop calling her cellular
13 telephone, Defendant instead continued to call her repeatedly.

14 20. Plaintiff found Defendant's repeated calls to be harassing, invasive,
15 frustrating, annoying, and upsetting.

16 21. The foregoing conduct was in violation of the Telephone Consumer
17 Protection Act.

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DEFENDANT VIOLATED THE

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TELEPHONE CONSUMER PROTECTION ACT

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, VANJE WRAY, respectfully prays for a judgment as follows:

- a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
 - b. Statutory damages of \$500.00 per violative telephone call pursuant to 47 U.S.C. § 227(b)(3)(B);
 - c. Treble damages of \$1,500.00 per violative telephone call pursuant to 47 U.S.C. § 227(b)(3);
 - d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
 - e. Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, VANJE WRAY, demands a jury trial in this case.

1 RESPECTFULLY SUBMITTED,
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4 DATED: September 6, 2019
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By: /s/ Mitch Luxenburg
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